

REMARKS/ARGUMENTS

Claims 8-10 and 12 are withdrawn as being directed to non-elected species and Applicants affirm the election. Please amend claim 1 as shown on the attached listing of the claims. Support for the amendment to claim 1 may be found, for example, in the claims 2 and 7 as originally filed and in the application specification on page 5 line 30 through page 6 line 7, and on page 9 lines 26-37. Please cancel claims 2, 6, 7 and 14. In addition, please amend claims 3, 11, 15, 18-19 as shown to correct dependency due to cancellation of claims, and please amend claims 4 and 17 as shown to correct for grammatical error. Therefore, as of this paper, claims 1, 3-5, 11, 13, 15-19 are presented for Examiner Piziali's consideration.

Applicants thank the Examiner for including in the Office Action mailed March 30, 2006 signed copies of the Forms PTO-1449 sent with Applicants' Information Disclosure Statements received in the Office on March 24, 2004 and on July 11, 2005.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

Claims rejections, 35 U.S.C. §112

By way of sections 2-3 of the Office Action mailed March 30, 2006, the elected claims were rejected under 35 U.S.C. 112 for allegedly merely setting forth desired characteristics without setting forth sufficient composition. Although Applicants did not necessarily agree with this assessment, Applicants submit that the instant amendment to claim 1 recites sufficient additional structure to overcome this rejection.

Claims rejection, 35 U.S.C. §102(a) (claims 1-2, 6-7, 18-19 over Bergholm et al.)

By way of sections 4-5 of the Office Action mailed March 30, 2006, the Examiner rejected claims 1, 2, 6, 7, 11 and 18-19 under 35 U.S.C. §102(a) as allegedly being anticipated by and thus unpatentable over WO 03/50347 to Bergholm et al. (hereinafter,

“Bergholm et al.”). This rejection is respectfully **traversed** to the extent it may be applicable to the currently amended claim 1. Claim 1 presents a wet wipe comprising a cleaning fluid and a laminate wherein the laminate includes a first layer including a web capable of holding and releasing the cleaning fluid having a thickness X, the first layer including a coform web including thermoplastic meltblown microfibers and a secondary material, a second layer adjacent the first layer having a lesser affinity for the cleaning fluid than the first layer, the second layer having thickness Y and an overall percentage of the cleaning fluid present in the wipe Z, wherein $Z \leq ((Y)/(X+Y)) * 100\%$. The laminate now further includes a third layer including a web capable of holding and releasing the cleaning fluid, the third layer having a thickness X', said third layer including a coform web including thermoplastic meltblown microfibers and a secondary material, wherein the percentage Z of the overall cleaning fluid present in the wet wipe present in the second layer is $Z \leq ((Y)/(X+X'+Y)) * 100\%$.

As noted in the Office Action, Bergholm et al. disclose a wet wipe that may be a three-layer laminate having outer layers of hydrophobic and hydrophilic fibers, and a second or middle layer of hydrophobic fibers, and may further include a cleaning fluid. As disclosed by Bergholm et al., their wet wipe consists of three layers of carded webs which are then hydroentangled together. As such, the outer layers disclosed are not meltblown coform webs such as the first and third layers required by the instant claims, nor do Bergholm et al. appear to disclose that any types of webs other than carded webs that have been hydroentangled together. In fact, it should be noted that Bergholm et al. specifically teach that the fibrous webs used to form their outer layers need to be free of any type of bonded fiber (see, e.g., Bergholm et al. at Summary on page 3). Therefore, Applicants respectfully submit that Bergholm et al. do not teach or even suggest all the elements of their invention as claimed in claim 1, and respectfully request that the 35 U.S.C. §102(a) rejection of claims 1, 11 and 18-19 (claims 2, 6 and 7 being now canceled), over Bergholm et al. be withdrawn.

Claims rejection, 35 U.S.C. §102(b) (claims 1-6, 13-14 over Bailly)

By way of section 6 of the Office Action mailed March 30, 2006, the Examiner rejected claims 1-6 and 13-14 under 35 U.S.C. §102(b) as allegedly being anticipated by

and thus unpatentable over U.S. Pat. No. 4,469,740 to Bailly (hereinafter, "Bailly"). The Bailly reference is discussed in more detail below with respect to the 35 U.S.C. §103(a) rejection in view of U.S. Pat. No. 4,864,740 to Oakley. Relevant to the instant §102(b) anticipation rejection over Bailly, due to the current amendment of claim 1 that incorporates the subject matter from claims 2 and 7 (with claim 7 forming no part of this rejection over Bailly), Applicants believe this rejection to be now moot and respectfully request this rejection be withdrawn.

Claims rejection, 35 U.S.C. §102(b) (claims 1-2, 13-14 over McLaurin-Smith)

By way of section 7 of the Office Action mailed March 30, 2006, the Examiner rejected claims 1-2 and 13-14 under 35 U.S.C. §102(b) as allegedly being anticipated by and thus unpatentable over U.S. Pat. No. 4,961,418 to McLaurin-Smith (hereinafter, "McLaurin-Smith"). Due to the current amendment of claim 1, incorporating the subject matter from claims 2 and 7, with claim 7 forming no part of this rejection over McLaurin-Smith, Applicants believe this rejection to be now moot and respectfully request this rejection be withdrawn.

Claims rejection, 35 U.S.C. §103(a) (claims 3-5 and 13-17 over Bergholm et al. in view of Achter et al.)

By way of sections 8 and 9 of the Office Action mailed March 30, 2006, the Examiner rejected claims 3-5 and 13-17 under 35 U.S.C. §103(a) as allegedly being obvious over above-mentioned Bergholm et al. in view of U.S. Pat. No. 5,755,906 to Achter et al. (hereinafter, "Achter et al."). Due to the current amendment of claim 1, incorporating the subject matter from claims 2 and 7, with claim 7 forming no part of this rejection over Bergholm et al. in view of Achter et al., Applicants believe this rejection to be now moot and respectfully request this rejection be withdrawn.

Claims rejection, 35 U.S.C. §103(a) (claims 7, 11, 15-17 over Bailly in view of Oakley)

By way of section 10 of the Office Action mailed March 30, 2006, the Examiner rejected claims 7, 11 and 15-17 under 35 U.S.C. §103(a) as allegedly being obvious over above-mentioned Bailly in view of U.S. Pat. No. 4,864,740 to Oakley (hereinafter, "Oakley"). This rejection is respectfully **traversed** to the extent it may be applicable to claims 11, 15-17. Claim 7 is canceled by this paper, but claim 1, from which claims 11, 15-17 all depend eventually, was amended to include, inter alias, subject matter from claims 2 and 7. Although claim 2 formed no part of this rejection, claim 7 was included, and therefore Applicants will discuss this rejection with respect to currently amended claim 1 for the sake of thoroughness.

It was stated in the Office Action that Bailly discloses a wet wipe comprising a cleaning fluid. However, Bailly does not in any wise disclose or relate to a wet wipe but rather relates to a layered material having closed cell thermoformable foam having hydrophobic fibers needled into one face and hydrophilic fibers needled into the other, the composite material to be thermoformed "to produce articles having a surface shape conforming to the contours of a region of the human body such as resilient supportive innersoles, soft casts or splints, and impact-absorbing pads. Such articles, in addition to their usual function, wick perspiration and moisture away from the skin." (please see Bailly at Abstract). Likewise, Bailly not only does not relate to wet wipes but also does not disclose any type of cleaning fluid suitable for use in a wet wipe. Applicants submit that it is not proper to equate the thermoformable article taught by Bailly with a wet wipe, and further submit that it is improper to equate the human perspiration produced when wearing such thermoformable article with a "cleaning fluid", as was done in the Office Action.

With respect to the disclosure of Oakley, the Office Action noted that Bailly fails to disclose that either of the outer layers are coform nonwoven webs, and combined Oakley because Oakley teaches coform nonwoven webs, and particularly Oakley does teach use of coform nonwoven webs having about 50% pulp fibers and 50% polymer fibers, and preferably coform having about 80% pulp fibers and about 20% polymer fibers. It was stated in the Office Action that it would have been obvious to one having ordinary skill in the art "to make the nonwoven webs [of Bailly] from any suitable nonwoven material, such as nonwoven webs comprising about 50% pulp and 50% polymer fibers to about 80% pulp

and about 20% polymer fibers, as taught by Oakley, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of suitability and desired characteristics”.

Applicants respectfully disagree with this reasoning for several reasons. First, as noted above, Bailly does not relate in any way to wet wipes and further, Applicants submit that human sweat would not be used a cleaning fluid in a wet wipe, by anyone of skill in this art. Furthermore, Oakley itself also does not relate in any manner to wet wipes. To the contrary, and this was noted in the Office Action, Oakley relates to a shoe insole. Therefore, even if combined in the manner suggested in the Office Action, one would not arrive at a wet wipe comprising a cleaning fluid, but rather with a thermoformable article having coform facings and capable of, at some time when worn by a user, having perspiration on or passing through it.

Second, Applicants submit that the motivation stated for one skilled in the art to modify the outer nonwoven webs of Bailly, to be the coform webs taught by Oakley, is not proper for at least two reasons. Please note that the pulp and polymer coform nonwoven taught by Oakley is always a center layer as taught therein, having outer layers on each surface of the coform nonwoven. Yet, the Office Action apparently purports to take this center layer out from Oakley, and substitute it for Bailly's outer layers.

Furthermore, and perhaps even more importantly, the outer layers taught by Bailly are very carefully selected as taught therein, and clearly the disclosure of Bailly teaches away from making the substitution suggested in the Office Action. In Bailly, the one outer layer (top layer, 16) must be a layer of hydrophobic fibers such as polypropylene or other polymers, to wick perspiration away from a user's body. The other outer layer (bottom layer, 28) must be a layer of hydrophilic fibers such as rayon or cotton fibers to assist moisture dispersion and permit subsequent evaporation if the outer layer 28 is exposed to the atmosphere. Please see Bailly at col. 3 line 52 to col. 4 line 6, and col. 4 lines 51 to 65. Therefore, one skilled in the art is clearly lead away from making the suggested substitution of Oakley's pulp-polymer coform nonwoven web for the outer layers of Bailly, and due to the pulp content, is particularly lead away from substituting a coform web for the hydrophobic layer of Bailly.

Therefore, for the reasons stated above, Applicants submit that the instant combination of Bailly in view of Oakley has not been shown to make their invention obvious, and therefore respectfully submit that this 35 U.S.C. §103(a) rejection should be withdrawn.

For at least the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at 770-587-8908. Should any issues remain after consideration of the remarks and explanations made herein, Examiner Piziali is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,
EUGENIO GO VARONA ET AL.

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CERTIFICATE OF TRANSMISSION

I, Robert A. Ambrose, hereby certify that on October 01, 2006, this document is being transmitted to the United States Patent and Trademark Office via the EFS-Web System.

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